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OCT 13 2008

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**Certification for a Complaint
to the
Washington State Public Disclosure Commission
Relating to an Elected Official or Candidate for Public Office
(Notary Not Required)**

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the facts set forth in this attached complaint are true and correct.

Your Signature: Gerry Pollet

Your Printed Name: Gerry Pollet

Street Address: 7750-17th NE

City, State, Zip Code: Seattle, WA 98115

Telephone Number: (206)528-0078

E-Mail Address: (optional) gerry-pollet@msn.com

Date Signed: October 10, 2008 10-10-08 GP

Place Signed (City and County): Seattle King
(City) (County)

*REW 9A.72.040 provides that: "(1) a person is guilty of false swearing if he makes a false statement he know to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."

COMPLAINT ATTACHED

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**Complaint Against Scott White, candidate for State Representative 46th District
Position 1**

- 1. White repeatedly failed to report contributions on time. White's campaign contributions from corporate special interests, BIAW – developer affiliates, and lobbyists for such interests are a major campaign issue. At crucial times, White's campaign failed to file weekly "C-3" reports required by law. The PDC sends out a weekly reminder that these reports are due by midnight on Monday every week.**
 - a. On at least four occasions, White's campaign has failed to file the required weekly C-3 report showing contributions received for the prior week.
 - b. Failure to disclose these weekly contributions at crucial times allowed White's campaign to hide contributions from public disclosure.
 - c. No C-3 reports were filed when due for:
 - i. July 7, 2008
 - ii. August 25, 2008
 - iii. September 15, 2008
 - iv. October 6, 2008
 - d. These reports were not just late, they were not filed. It stretches credibility that no funds were received at all during the week's prior to these Mondays since the prior C-3. Indeed, for August 25, as discussed below, White's forms filed in September show deposits that went unreported for weeks. If White's campaign failed to deposit funds, then it violated additional rules.
 - e. With the election less than a month away, White's campaign has failed to file the required weekly report due October 6th – hiding his donors from public view.
 - f. As shown below (complaint #2), the failure to file weekly C-3 reports at crucial times compounded the non-disclosure of significant amounts of money from controversial donors shortly before the Primary.
- 2. White failed to properly report expenses and contributions immediately prior to the Primary election – hiding the full cost of his primary campaign from disclosure, and hiding controversial donations.**
 - a. Amongst the controversial donations hidden from disclosure was \$975 received prior to the primary, which included \$300 from the spouse of someone who had filed a complaint against the Pollet campaign (Sue Tupper).
 - b. Contributions of \$975 from August 14 through 17 were not disclosed until an amended c-3 was filed on September 1, 2008.
 - c. These contributions should have been disclosed and reported on August 18, 2008 via a C-3.
 - d. White's failure to file a C-3 on August 25, 2008 (the week after the primary) compounded the impact of this violation.

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- e. Whites' C-4 filed on September 10, 2008, Schedule A Attachment shows \$6,900 deposited on August 18 and 19th. August 18th funds should have been reported by midnight on August 18th. August 19th deposits should have been reported on August 25th, when White failed to file any report. (This report was not just late – it was never filed).
- f. As discussed infra in Complaint Section 4, White's campaign has failed to properly report and designate obligations for consultants' and staff incurred before the primary (e.g., August retainers and costs for the period prior to the primary).
- g. White should not be allowed to benefit from funds he failed to report. Therefore, these funds should not count as having been available for expenditure for the Primary election. These funds went unreported for two crucial weeks.

3. White improperly reported two sets of contributions as being for the primary, when they should have been reported as general election funds. This "clerical" error is important in regard to the 4th complaint below: White's having spent more money on the primary election than was legally allowed.

- a. \$600 from John Webber on August 10, 2008 improperly designated as "P" for Primary despite John Webber having given \$1,000 on June 15th, of which \$800 was the maximum for the Primary and \$200 was designated for the general election.
- b. Brad Boswell gave the maximum \$700 for the primary on September 12, 2007, plus \$700 designated for the general election. Boswell Consulting donated \$200 more to White, which was designated for Primary. However, if Boswell consulting is a sole proprietorship or similar entity owned or operated by Brad Boswell, then the individual limits for the primary and general election would apply.ⁱ
- c. This complaint does not imply that the named donors did anything improper. Rather, the campaign misdesignated their funds and violated the law on receiving contributions in excess of contribution limits for the primary.
- d. This makes the total amount of funds that should have been designated as "G" for the General election and not available for the Primary to be \$700 more than shown in the PDC reports, for a total of \$7,250.

4. White spent significantly more money on his primary election campaign than was legally allowed. White illegally used funds for the primary which were legally required to be segregated for his general election campaign.

White's improper delays in reporting contributions until weeks after the Primary was over, and the lack of reporting of pre-primary expenses for consultants in August which have to be allocated as Primary expenses, make it difficult to determine precisely how many thousands of dollars White improperly spent on his Primary campaign utilizing funds that the law bars from being spent in that manner.

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This complaint reviews the data available from individual reports (e.g., C-4 and C-3 reports) and the PDC “advanced data base search function”. Both analyses show White spent thousands of dollars more on the Primary than the law allowed him to spend.

According to White’s C-4 filed on August 12, 2008, covering expenses and deposits through August 11th, White had spent \$72,108.38.

Per White’s C-4 filed September 10, 2008, covering August 12 through August 31, White spent an additional \$12,653.84 on primary election expenses.ⁱⁱ

\$84,762.22 is the total White spent on the primary, plus an undisclosed amount for consultants’ and staff services from August 1 or August 15, and which have not yet been reported.ⁱⁱⁱ This appears to conservatively add additional pre-primary expenses of \$3,000.

Thus, White’s total campaign expenditures for the Primary were \$87,762.22.

Of White’s total cash receipts through August 19 (the primary), \$7,250 should have been held aside for the general election.^{iv}

\$84,556 is reported on the C-4 as total prior cash and in-kind contributions to White through August 11, 2008.

\$1,400 was in kind contributions.

That leaves \$83,156 cash contributions through August 11th.

\$83,156 approximately available plus receipts of \$6,900 reported on the C-4 on September 10, 2008 = \$90,056. Attachment to Schedule A shows \$6,900 deposits on the 18th and 19th of August.

Subtracting out the \$7,250 which White should have set aside for the General Election = \$83,506 maximum available for Primary election expenditure.

White spent at least \$84,762.22 on the Primary election plus the estimated \$3,000 in yet to be reported and unallocated costs for his consultants and staff for August leading up to the Primary.

White illegally spent more than \$1,200, and likely more than \$4,000, on his primary election using funds required to be set aside for the general election.

The seriousness of this violation is illustrated by the fact that \$4,000 is approximately 20% of the total amount of funds which White’s Democratic Primary opponent spent on the Primary.

An alternate view shows that the improper expenditure may have been even higher:

According to the PDC’s “advanced data base search function” on the PDC’s website, through August 19, 2008 (Primary Election Day) Scott White raised a total of

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\$91,441.50. Of this amount \$6,650 was general election funds and \$84,791.50 was for the primary.

As noted above, however, the PDC data – submitted by White – failed to properly designate \$700 as General Election funds, rather than Primary.

This means \$7,350 was required to be set aside and \$84,091.50 was legally available for the Primary.

His C-4 report that was filed on August 12, 2008 for the period of July 29, 2008 to August 11, 2008 shows a cash balance of \$12,458.16. Therefore, Mr. White only had \$5,108.16 available to spend between August 13, 2008 and August 19, 2008.

Mr. White's schedule A that he filed on September 10, 2008 for the period of August 12, 2008 to August 31, 2008 shows he spent \$17 on August 12th; \$8.96 on August 12th; \$8.72 on August 12th; \$2.70 on August 12th; \$5.45 on August 13th; \$17.42 on August 13th; \$1,321.62 on August 14th; \$91.46 on August 18th; \$2.16 on August 18th; \$1.63 on August 18th; \$126.11 on August 14th; \$5.00 on August 15th; \$8.72 on August 16th; and \$6,376 on August 16th. This totals to \$7,992.95 that was spent between August 13, 2008 and August 19, 2008.

The C-4A reveals an additional \$1,750 spent on August 15th for Colby Underwood plus \$65.89 reimbursing Underwood; \$1,200 for John Rudicil; \$1,765.84 on the 26th for PMA Direct Marketing for mailing services (primary expense) and \$6.50 at Tully's Coffee on August 12th.^v

White's expenses from August 12 through the primary, including obligations incurred, was at least \$12,653.84, and likely in the vicinity of \$15,650 (including the unallocated and yet to be reported pre-primary consultants' and staff costs).

Under this analysis, White spent far more in the primary than he was allowed. This alternate analysis using the PDC website data is hampered by White's failure to report contributions and expenses as required.

White improperly spent funds, likely thousands of dollars, on his Primary campaign. This violated laws and rules on campaign contribution limits for the Primary and rules requiring White's campaign to properly designate and reserve funds. The degree of seriousness of this violation is reflected by the fact that the improper expenditure may have reached nearly 20% of the total amount of money spent before the primary by White's Democratic opponent.

Relief Requested:

1. The Public Disclosure Commission needs to take immediate action in regard to White's repeated failure to file weekly C-3 reports disclosing contributions. The public interest is being seriously harmed by White's repeated failure to file.

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The PDC should issue an immediate finding and order requiring White to file on time for the remainder of the campaign. This violation needs no investigation beyond the PDC's own database showing when reports were filed.

The PDC should hold a hearing to determine penalties for the repeated violation.

2. White's failure to report controversial contributions prior to the Primary should result in a fine and disqualification of those contributions from being counted towards White's Primary election allowable spending. The appropriate fine is the amount of the contributions because of the public significance of White having failed to report a contribution from the spouse of a complainant against one of his opponents.
3. White's records should be ordered corrected.
4. White should be fined for violating laws and rules limiting contributions to \$800 (previously \$700) from each PAC, corporation and individual for the primary; and, fined for violating rules requiring segregation of general election funds to prevent their improper use for a primary election.
5. Each of these numbered complaints is a separate violation, and each failure to file a C-3 report should be treated as a separate violation. This is not a case where the weekly report was merely filed late on one or two occasions. Rather, there is a pattern of failing to file reports. The public's right to know has been seriously harmed by the repeated violations.
6. The gravity of the violations from failure to file was increased by the delay of several weeks in disclosing controversial pre-primary contributions of nearly \$1,000. That non-disclosure also compounds the difficulty in determining how much money White could legally spend in the primary and makes it appear that the White campaign went back to report contributions weeks after the primary to justify having spent more than was legally allowed.

End Notes:

ⁱ Brad Boswell is listed as self employed "lobbyist" in White's prior filing for Boswell's September, 2007 donation.

ⁱⁱ Bill of \$1,765.84 for PMA Direct marketing was apparently for primary election mailing related costs even if paid on 8/26. Expenses include \$6,376 for design and printing by MNP Partners and bills for the prior month's services by Colby Underwood. In fact, Underwood's, MNP's, Rudicil's and other staff / consultants' services should have been allocated to the primary, even though they have not yet been reported since they apparently would be paid in mid September for reporting in October.

ⁱⁱⁱ White's consultants bill for preceding months. Therefore, bills received in September would include work for the August Primary. Several thousand dollars for MNP Partners, Colby Underwood Consulting, Rudicil and Soren Poulsen should have all been shown as obligations incurred and count towards White's primary expenses – reducing the cash he had available for the Primary by more than \$3,000.

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^{iv} According to the PDC data base the following \$6,550 of White's pre-primary funds were designated for the general election. However, as shown in complaint Section 3, an additional \$700 should have been designated for the general election from White's pre-primary funds.

Name	Date	Amount	P/G	City	State	Zip	Employer	Occupatio
BOSWELL BRAD	9/12/2007	700	G	SEATTLE	WA	98103	SELF	LOBBYIST
TOWER LTD	9/25/2007	700	G	SEATTLE	WA	98513		
BERGMAN MATTHEW	1/17/2008	700	G	VASHON	WA	98070	BERGMAN & FROCKT	ATTORNEY
MCKIBBEN CRAIG	4/19/2008	300	G	SEATTLE	WA	98105		RETIRED
MORRISROE MICHAEL ROSS	5/10/2008	800	G	KIRKLAND	WA	98034	TRIFILM PRODUCTIONS, INC	PRODUCER
BIANCHI RACHEL	6/15/2008	150	G	SEATTLE	WA	98118	SELF	CONSULTA
WEBBER JOHN P	6/15/2008	200	G	SEATTLE	WA	98125	THE BOEING COMPANY	SYSTEMS ENGINEER
WA RESTAURANT ASSN	7/8/2008	800	G	OLYMPIA	WA	98501		
WA INDEPENDENT BANKERS PAC	7/12/2008	200	G	LAKEWOOD	WA	98498		
WA OPTOMETRIC PAC	7/12/2008	200	G	OLYMPIA	WA	98507		
GATES WILLIAM H	8/10/2008	200	G	SEATTLE	WA	98105		RETIRED
SEATTLE FIRE FIGHTERS VOLUNTARY PAC	8/10/2008	800	G	SEATTLE	WA	98119		
WASHBANKPAC STATE	8/10/2008	800	G	SEATTLE	WA	98101		
		6550						

^v The Underwood and Rudicil expenses were presumably for the preceding periods. Underwood's prior month's bills appear to be paid by White's campaign in the middle of the following month for which services were rendered. Rudicil's expense was presumably for the first half of the month and did not cover through the primary. White's other staffer's costs are not reported, nor are his other consultant's costs.

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I certify (or declare) under penalty of perjury under the laws of the State of Washington that the facts set forth in this attached complaint are true and correct.

Your Signature: _____ 

Your Printed Name: _____ Gerry Pollet _____

Street Address: _____ 7750-17th NE _____

City, State, Zip Code: _____ Seattle, WA 98115 _____

Telephone Number: _____ (206)528-0078 _____

E-Mail Address: (optional) _____ gerry-pollet@msn.com _____

Date Signed: _____ October 16, 2008 _____

Place Signed (City and County): _____ Seattle _____ King _____
(City) (County)

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COMPLAINT ATTACHED

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Addition to Complaint Filed October 10, 2008
Adding Additional Complaint Item #5 and Additional Information for Violations #1-4

Public Disclosure
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Complaint Against Scott White, candidate for State Representative 46th District Position 1

On October 10, 2008, a complaint was filed against Scott White with four detailed sets of violations. On October 6th, White failed to file the required weekly report of his contributions (C-3). This was the fourth time that White failed to file his contributions – hiding them from public disclosure.

Failure to disclose these weekly contributions at crucial times allowed White's campaign to hide contributions from public disclosure. No C-3 reports were filed when due for:

- i. July 7, 2008
- ii. August 25, 2008
- iii. September 15, 2008
- iv. October 6, 2008

On October 14th, White filed the report of expenditures, debts and obligations due (C-4). This report failed to include White's incurred costs for producing and airing television commercials. The C-4 also provides additional information revealing that the extent of violations #1 – 4 was even greater than we previously believed.

New violation #5:**5. White has failed to report expenditures and obligations incurred for producing and airing television advertisements.**

White began airing television ads on or before October 10th, four days before filing his C-4.

The Oct 14th C-4 report fails to disclose any expense, debt or obligation for producing and airing television ads. The public is entitled to know how much White is spending and to whom he owes money. Candidates are required to report debts and obligations, not just bills already paid.

This is a serious violation – television ad production and airing are not items that can be overlooked. The Commission should take immediate action to require disclosure.

White's C-4 filed on October 10th revealed that the degree of Violations #1 – 4 in our initial complaint was greater than we previously believed:

In regard to Violation #1, failure to submit contribution disclosure reports on four occasions, the C-4 reveals that White's campaign deposited \$4,850 on September 30th, which should have been reported on October 6th. White failed to file any report on October 6th, hiding this very high amount of funds from public disclosure.

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In regard to Violations #2 and #4, White greatly exceeded contribution limits for the Primary. White also violated limits on allowable expenditure for the Primary by thousands of dollars more than we had previously estimated in the initial complaint.

Our initial complaint documented that White spent between \$1,200 and \$4,000 more on the Primary than was allowed. Thus, contribution limits for the Primary were exceeded.

White's C-4 filed on October 14, 2008 reveals that White failed to disclose on his September C-4 form that he had incurred an additional \$5,963 for "endorsement piece" production and mailing for the Primary, paid to MNP Partners on 9/2/08. White's September C-4 also failed to disclose the pro rata costs incurred for consultants and staffing prior to the primary. We estimated those costs at approximately \$3,000 (Rudicil, Poulsen, MNP, Underwood).

Thus, White actually spent over \$7,000 more (and likely \$10,000 more) than legally allowed for his Primary Election. To do this, White violated campaign laws on contribution limits for the Primary. White could not legally use this \$7,000 to \$10,000 for the Primary. This amount is so high as to make it a very serious and apparently willful violation with disregard for our state's disclosure laws.

White's failure to disclose these expenses in September compounded the harm done to the public interest, preventing scrutiny and action during while people were making up their minds about whom to vote for and prior to endorsements or the mailing of ballots.

We request that the PDC take immediate action to order White to return to contributors \$7,163 to \$10,000, which was expenditure improperly used above contribution limits for the Primary.

Because of the repeated violations, the amounts of money involved, and their serious impact on the public's right to know, we urge immediate enforcement action by the Commission.